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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/704,093	11/01/2000	Robert P. St Pierre	SMQ-039	3451
959	7590	08/19/2004	EXAMINER	
LAHIVE & COCKFIELD, LLP. 28 STATE STREET BOSTON, MA 02109			BRUCKART, BENJAMIN R	
			ART UNIT	PAPER NUMBER
			2155	

DATE MAILED: 08/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

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Advisory Action

Application No.

09/704,093

Applicant(s)

ST PIERRE, ROBERT P.

Examiner

Benjamin R Bruckart

Art Unit

2155

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 23 July 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ they raise the issue of new matter (see Note below);
- (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☐ The a) ☐ affidavit, b) ☐ exhibit, or c) ☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☐ will not be entered or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: 16-17, 19-21, 24-33, 36.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See Continuation Sheet

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SUPERVISORY PATENT EXAMINER

Continuation of 10. Other: The amendment fixes some dependency issues of claims directed to canceled or withdrawn claims. The examiner reminds applicant that he must cancel claims 1-15.

Applicant's arguments have been fully considered but they are not persuasive (recitation of independent claim).

Regarding claim 16,

The Stuempfle reference teaches in a motor vehicle (Stuempfle: col. 1, lines 12-15), a display device (Stuempfle: Figure 6, tag 24; col. 4, lines 2-5) apparatus interfaced with a network located within said motor vehicle (Stuempfle: col. 1, lines 12-15), said apparatus comprising:

a display surface in said motor vehicle (Stuempfle: col. 7, lines 33-40); and

a display manager for determining what messages are displayed on the display surface (Stuempfle: col. 8, line 44; col. 7, lines 31-37), said display manager registering at least two network devices connected to said network (Stuempfle: col. 7, lines 25-40; services 18a, 18b, applications 20a, 20b) and subsequently receiving messages for display on the display device from said at least two network devices (Stuempfle: col. 2, lines 26-28; col. 7, 33-40).

The Stuempfle reference does not explicitly state the prioritizing of messages.

The Ishibashi and Davidson references teach prioritizing the received messages to determine a sequence in which said received messages are used (Ishibashi: col. 12, lines 4-14, 39-46; Davidson col. 18, lines 46-57).

The Davidson reference teaches a plurality of priority queues (Davidson: col. 18, lines 43-52) but does not explicitly label each device with each device.

The Ishibashi reference teaches a priority message queue created for each network device (Ishibashi: col. 12, lines 4-14, 39-46; Figure 6; col. 3, lines 19-30), each priority message queue having a priority level assigned to it based on the identity of the registered network device (Ishibashi: col. 12, lines 8-14; Figure 5), each message received by the device from a registered network device being placed in the priority message queue that is assigned to said network device (Ishibashi: col. 11, lines 61- col. 12, line 3).

The Ishibashi reference further teaches the invention achieves higher performance and enhanced development efficiency (Ishibashi: col. 3, lines 5-15).

The Davidson reference further teaches this system predicts the error rate and ensures that collisions between messages are avoided (Davidson: col. 3, lines 4-15).

Therefore it would have been obvious at the time of the invention to one of ordinary skill in the art to create the system in a motor vehicle of a display device connected to a network with a manager as taught by Stuempfle while employing message prioritizing as taught by Ishibashi and Davidson in order to achieve higher performance and enhanced development efficiency (Ishibashi: col. 3, lines 5-15) and avoid collisions (Davidson: col. 3, lines 4-15).

Claims 17, 19-21, 24-33, 36 are rejected under the same rationale given above. In the rejections set fourth, the examiner will address the additional limitations and point to the relevant teachings of Ishibashi et al, Stuempfle et al, Davidson et al.

Applicant argues the obviousness of the combination of the references and that none of the references teach the use of a priority message queue on a display device. The examiner respectfully responds:

The combination of reference teaches the "priority message queue on a display device." The Stuempfle reference teaches the display device in the motor vehicle with the display device. The Davidson reference teaches the priority queues (col. 18, lines 46-57). The combination to use priority message queues in a motor vehicle is to reliably send data for priority display like displaying brake failure over windshield wiper fluid or displaying engine failure over broken tail lights. The sense to combine the concepts of the invention exists. Further, applicant argues the combinability with duplex versus simplex networks. The examiner can find no language in applicant's claim that points out the type of messaging in the network, only that messages are passed in between entities. Davidson further teaches the messages are transmitted via Internet, cable modem, cellular digital packets or phone (Davidson: col. 3, lines 27-35).

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

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